



# *CHAPTER THREE*

*THE TEACHER COACH  
&  
ATTORNEY COACH  
PARTNERSHIP*

## **THE TEACHER COACH/ATTORNEY COACH PARTNERSHIP**

Once attorney coaches are identified to help with your mock trial team, it's important that you sit down with your attorney coaches to discuss how to plan for the preparation of your students and the mock trial team. Also important is the discussion about the schedule for the weeks/months ahead that your mock trial team will be meeting to learn about trial proceedings and prepare for the case.

This section discusses the role and responsibilities of both the teacher and the attorney coach, provide information on how to best utilize your attorney coach, and suggestions on how to work together as partners when working with your teams.

## **How/When To Utilize the Attorney Coach**

There are many different ways in which an attorney coach may work with the teacher coach. Some attorney coaches don't come into the process until the case has been released, and only then begin working with the students to plan their presentation of their case. Some attorneys enjoy the educational process and want to be involved early in the meetings to assist in teaching students about the legal system. Other attorney coaches may also want to be involved in "casting" students as members on the team. Then there are teacher coaches who only handle the administrative side of mock trial such as the registrations, coordination of schedules and practice dates, student handouts, etc.

Whatever roles the attorney and teacher decides to play in this process of developing a mock trial team, **its important that you BOTH sit down to communicate to each other and define your respective responsibilities during the preparation of the mock trial team.** The CBA encourages that a mutual partnership in which all parties are actively involved (including not only teachers and attorneys, but additionally any parents or other teachers who wish to assist) to the benefit of the students. All egos need to be left at the door when coming in to work with the students. This program is about the students, not the teachers or the attorneys. Please work together to develop a plan of action to educate and prepare the mock trial team members that facilitates a fun and beneficial experience.

Included in this packet are sample schedules (see section titled *Sample Preparation Schedules*) as a reference when creating your own team's schedule. In this section, you'll find the roles and responsibilities, as well as guidelines for the Teacher Coach and the Attorney Coach. Please review this section carefully as how both parties work together will greatly impact the success of your team.

## **ROLES & RESPONSIBILITIES FOR THE ATTORNEY COACH**

As a mentor and a role model, you are critical to the success of the team. Of primary importance is your ability to impart to the students that we are a society governed by the rule of law. By the end of the mock trial season, it is our hope that the students will have a keen understanding and an abiding respect for the law and the legal system. We realize this is not an easy charge, but who better than you – the attorney – to help them develop that understanding and respect? Naturally, they will look to you for guidance in both their performance and their courtroom decorum. As a result, it is critical that you demonstrate for them professional and ethical behavior.

And, as much as you will want to help the students, that is, to point them in the right direction, and to give them the benefit of your experience, please remember that the students and teachers will develop a better understanding of the case and learn more from the experience if the attorney coaches do not dominate the preparation phase of the competition. **To achieve the educational goals of the mock trial program, the preparation phase of the program must be to a cooperative effort of students, teachers and attorney coaches.** Remember it is critical to avoid (even the appearance of) “talking down” to students and/or stifling conversation through the use of complicated “legalese”.

Finally, below are descriptions of how attorneys work with mock trial teams – these suggestions are how you, as an attorney coach, can be most effective. You and the teacher coach should approach the tasks in whatever order and manner you both deem appropriate, *provided that all of them are covered*. Many attorney coaches begin working with their teams before the case problem is released. Others join the team later after the case problem has been released. You and your teacher coach can discuss how you wish to proceed.

### **Stage I**

- Work with the teacher coach to discuss schedules, practice times and dates, and how you both want to work together to prepare the mock trial team. Some attorney coaches only work on the case problem; others are involved sooner in assisting the teacher coach with the lessons on trial components and sequence.
- If working with the team once the case problem is released, prior to meeting with the team, confirm that the teacher has already distributed the case materials among the team members and they have read it and become familiar with it.
- Confirm with the teacher that the sequence of a trial has been explained to them. When initially meeting with the students, confirm that they understand the sequence of a trial, the steps in each sequence, the layout of the courtroom and the participants of the mock trial. If the team members are not clear on these concepts, review them prior to moving forward on the case problem.
- Discuss the Rules of Evidence (mock trial simplified version) included in the case materials. Ensure that the team members know the hearsay rule and all its exceptions, as well as all the objections.

## **Stage II**

- Examine and discuss the factual basis of the case, witnesses' testimony and the strengths and weaknesses of each side of the case. Remember – your team must prepare to present both sides! Key information might be listed on the blackboard as the discussion proceeds so that it can be referred to at some later time. (See *Introducing Mock Trial to Your Team* section for strategy ideas.)  
**Categorize facts:** Important, Damaging, Conflicting
- Discuss the law involved in the case (as provided in the case problem) and the burden of proof.
- Put the students on the stand with notes and then as the attorney coach, proceed with an example of direct and cross-examinations.
- Determine the roles of the team members, establishing who will act as witnesses and attorneys. Since each team is required to represent both sides of the case during the competition, all roles in the case should be assigned and practiced. (See *Working Together* later in this section.)
- Emphasize that team members should not completely memorize their roles (ex. exam questions, etc.) since in a real trial they would have to play it by ear. Rather than memorizing his/her role(s), each student should concentrate on knowing all the facts of the case.

## **Stage III**

- Walk students through the trial from beginning to end, ensuring all the follow steps are covered.
- Work with student attorneys, concentrating on what should be covered in an opening statement and a closing argument. Remember that the role of the attorney coach is that of a consultant, not an author. Give the students ideas, but don't write statements for them. Ask other members of the team what they think should be included in the opening and closing.
- Have witnesses called to the stand to be examined by student attorneys. Work with students to develop questioning techniques that will elicit testimony to support either side of the case. Have the other team members make suggestions to both witnesses and attorneys.
- Work with witnesses to develop their characters and on the knowledge of their facts. Many teams recruit a drama coach to come in and work on the witness personalities – these students earn points for their team too!
- Have the attorneys practice making objections, and discuss both the style and substance of the objections thoroughly.
- Have attorneys practice responding to objections. This is one of the most difficult skills for students to master, and it can only be achieved through knowing the rules inside and out.
- Consider scheduling a 1½-hour workshop on mock trial performances offered by the Colorado Bar Association. The State Mock Trial Coordinator can come to your school during one of your practices and present video clips of national mock trial performances and engage the students in discussion about preparing for their roles.

#### **Stage IV**

- Conduct cross-examinations and define possible areas where objections could occur; look for other areas that your team's attorneys might want to focus on during cross-examination; have all team members make suggestions.
- Practice opening statements and closing arguments, how to lay a foundation of exhibits, what to do when the opposing team objects to your questions.
- Discuss appropriate courtroom decorum and etiquette. This includes appropriate dress, and sportsmanship-like behavior with other school teams.
- Consider a scrimmage with other school teams in or out of your region. After the experience, regroup to tweak presentations and discuss the learning opportunities that presented themselves. (These can be done during the actual scrimmage too.)

#### **Stage VI – Prior to Regionals**

- Conduct a final run-through of the entire trial. Allow team members, attorney coaches and the teacher coach to act as the presiding judges and opposing team's attorneys.
- Enlist the support of community members, especially attorneys or judges, to sit in and offer suggestions.
- Attend the regional tournament. Your participation will not only bolster the team's courage, but it will also demonstrate to them your commitment and your interest in their achievements.

#### **If Your Team Advances to State Finals**

- If your team is among those that advance, the time between Regional and State tournament is the team's opportunity to improve its performance. The ballots from the Regional tournaments are usually provided to the teacher coach, and can be used to identify potential areas for improvement.

#### **If Your Team Does Not Advance to State Finals**

- First and foremost, let your team know you are aware of and respect the work they have invested to prepare for Regional. Naturally, if they didn't really work hard, that sentiment should be down played. But, any student who shows up for practices and learns his or her role and actually works hard should be congratulated regardless of the outcome.
- Consider attending the state tournament, and/or the state championship round with your team. From the experience, your team members will have an accurate perception of the level of expertise that must be achieved to advance to the championship round, and they may feel better about not advancing when they have the opportunity to view the presentations of those who did and compare it with their own performances at Regional. Additionally, viewing state trial rounds may motivate them for the next year in their level of commitment to mock trials.

## Working with Teacher Coaches

All involved in this program recognize that as attorneys, you are volunteering a great deal of time to help your community school prepare a mock trial team. You may only want to join the practices once the case problem is released; you may be willing to work with the teacher in advance in educating the students about the sequence of a trial, the steps of a trial and the participant of a trial.

It's very important that when you are working with teacher coaches that you both discuss in advance how the teacher envisions you as the attorney coach being involved. Offer options to the teacher to consider, and develop between you an outline of the partnership you'll have during this process. More importantly, maintain an open communication with each other throughout this process so there are no misunderstandings that could ultimately affect the team's progress or preparation schedule.

Ideally, the teacher coach and the attorney coaches work together in partnership. Both need to recognize each other's areas of expertise and allow each other to put that expertise into use when needed during the preparation of the case problem. Please be sure to respect your teacher coach's responsibilities to his/her students as their school advisor, and **remember that this is an educational program first, and the students' positive educational experience is of the utmost importance.** The teacher coach and the team are seeking your experience with trials and litigation – commit to that task as fully as possible and allow the teacher coach to work with you and assist you as appropriate and mutually agreed upon.

## **ROLES & RESPONSIBILITIES OF THE TEACHER COACH**

Your role as a mentor and a leader is critical to the success of your team. Your general responsibilities include assisting your team members with the following:

### **1. Educational and Sportsmanship**

Learning about the law and the legal system, as well as the substantive issue around which the case is based, is the primary goal of the mock trial program. Healthy competition helps to achieve this goal; however, teacher advisors must remember their responsibility to keep the competitive spirit at a reasonable level.

The reality of the adversary system is that one party wins and the other loses, and teacher advisors must prepare their teams to accept graciously either outcome in a mature manner. Teacher advisors can help prepare students for either outcome by placing the highest value of excellent preparation and presentation, rather than on winning or losing the trial.

### **2. Rules of the Competition and Procedure**

Please ensure that you and your team members have read the rules thoroughly several times. You are expected to help your team members learn and adhere to them, as well as to the Code of Ethical Conduct.

### **3. Role Assignments**

Team members should be strongly encouraged to select roles based on their interests and abilities, not on the basis of any gender or cultural stereotypes, which might be drawn from the characterizations in the fact pattern. Note that all witnesses, unless otherwise noted, are gender neutral and may be played by males or females.

### **4. Team Preparation**

Teams must learn and prepare to present both sides of the case. Once your team has done this, you are strongly encouraged to arrange and conduct practice mock trials (scrimmages) prior to regional and state final competitions. Scrimmages require only one attorney to act as a presiding judge because it is not necessary to award points to teams during these practice rounds (unless you wish to do so). Your attorney coach may be able to help you obtain the use of a courtroom, but classrooms or other facilities may also be used.

## **Working with an Attorney Coach**

Recognize that attorneys from your community are volunteering their time to help you prepare your mock trial team. Some attorneys may only want to join the practices once the case problem is released; others may be willing to work with you in advance to assist in educating the students about the sequence of a trial, the steps of a trial and the participants of a trial. It's very important that when you

are recruiting attorney coaches (while one would work, it's easier for you and the team if you have at least two) that you discuss how they can be involved, giving them options and developing between you an outline of the partnership you'll have during this process.

Ideally, the teacher coach and the attorney coaches work together in partnership. Both need to recognize each other's areas of expertise and allow each other to put that expertise into use when needed during the preparation of the case problem. Please be sure to respect your attorney coaches' responsibilities to the students as a volunteer, and **remember that this is an educational program first, and the students' positive educational experience is of the utmost importance.** Please be sure to utilize your attorney coaches to the fullest as mutually agreed upon between you. The attorney volunteer is lending his/her experience with trials and litigation to your team – utilize the attorney coaches and their time to work with your team as fully as possible.

While the Colorado Bar Association is available to help locate an attorney to coach a team after you've exhausted all other resources, you, as the local teacher, are often the best judge of a suitable person to assist your team. Possible sources include the following: parents or relatives of students, alumni, acquaintances, local law firms, county attorney's office, school board members, local bar members, or local judges. (If after exhausting all possible avenues, you are still unable to find an attorney to work with your team, contact the State Mock Trial Coordinator by writing to [cferber@cobar.org](mailto:cferber@cobar.org).)

Since attorneys have time limitations, they should be used as consultants when their expertise is needed, but they do not need to be present at all team activities or practices, unless they wish to do so. As a consultant, the attorneys should advise students but should not author any portion of the team's materials.

Finally, below are suggestions of how to work with your team and utilize attorney coaches during the preparation of your mock trial performance. You and the attorney coach should approach the tasks in whatever order you deem appropriate, *provided that all of them are covered.* Many attorney coaches begin working with their teams before the case problem is released. Others join the team later.

### **After You Have Identified Your Attorney Coach(es)**

1. Invite him/her to attend the training workshop offered by the CBA (see Program Schedule).
2. Provide him/her with a copy of the mock trial materials (if available) so s/he can become familiar with the case problem and rules of competition, evidence and procedure.
3. Discuss meeting times and places with students, after mutually agreeing upon a schedule with the attorney coaches.
4. Discuss the case and the attorney's suggestions regarding strategy and arguments for both sides.

### **Before Meeting with (or Working with) Your Attorney Coach**

1. Educate your students about the sequence of a trial, the steps of a trial and the participants of the mock trial.
2. Utilize the enclosed educational materials, student handouts and suggested strategies to teach the students the basics of a trial proceeding and its components.
3. Once the case problem is available, have the students learn the statement of facts and witness statements (in affidavits) as thoroughly as possible. You might try having the students quiz one another – one student looks at the facts and affidavits and asks the other student(s) questions; then reverse roles.
4. Try brainstorming with your students to elicit factual arguments for both the P/P and the defense; i.e., which facts support the P/P's case, and which facts support the defendant's case?
5. Have the students try to string facts together to make a logical assumption about the case.
6. Have the students read through the mock trial procedures for trial of civil/criminal cases, the simplified rules of evidence, and the mock trial rules. Discuss with your students and be sure to write down any questions they may have for your attorney coaches. For rules clarification, contact the State Mock Trial Coordinator at the Bar Association.
7. Familiarize yourself with the tournament procedures and rules of the competition. **VERY IMPORTANT IN PREPARING FOR PARTICIPATION IN THE PROGRAM!**

## **WORKING TOGETHER:** **THE ATTORNEY COACH, TEACHER COACH AND TEAM MEMBERS**

1. ***Develop a case strategy.*** The entire team should work together on this process.

**Attorney Coaches:** Be sure to understand that your role is to serve as a consultant to the students, not as a director or decision-maker for the team. For the educational goals of the mock trial program to be achieved, it is the team members who must be the ones who actually prepare their own presentations, which should be consistent with the strategy that has been established.

Consider the following when developing the team strategy:

- What are the strengths of the case? These are the points and issues you will want to emphasize.
  - What are the weaknesses of your case? These are the points and issues for which you must prepare a counter-argument.
  - Are your strategies integrated? That is, are the witnesses and attorneys all promoting the same “theme” and “theory?” You need to work as a team during the course of the trial, and each team member must always be certain about where the entire team is headed.
  - Where are the possible holes in your strategy? You don’t want to be confronted with surprises at trial, and you must be prepared to cope with the unexpected.
  - Is there a particular key witness whom you will want to exploit during cross-examination?
  - Will we need to use all our time? If your strategy has been achieved, before you have used all your allotted time that is fine.
2. ***Other considerations when preparing your case:***
    - In which order to call your witnesses
    - Physical position in the courtroom
    - What information should be contained in your opening statement and closing argument. (Again, remember that the coaches may give the students ideas, but should not write the statements for them.)
    - What questions to ask on direct and cross-examination of each of the six witnesses
    - How to avoid asking objectionable questions and what to do if one of your questions is objected to.
    - How and when to object to the opposition’s questions.
    - How to introduce exhibits and offer them into evidence.
    - How to exhibit proper courtroom decorum and good sportsmanship
  3. ***Assign mock trial roles.*** Depending on how many students you have interested in participating on the mock trial team, it’s wise to gauge commitment level before assigning roles. Below are a few examples on how other attorney coaches decide on role assignments.
    1. Make students and their parents aware of the tournament dates and ensure that they all understand that a commitment to the mock trial team is a commitment and a responsibility (to their other team members) to availability

on those dates. Teams have dropped at the last minute before competition because a student unexpectedly “had” to go on vacation with their family. Involving the parents is helpful in supporting that commitment.

2. For those students who want to be student attorneys, give a homework assignment to them that has them prepare an opening statement with which to “audition” for the part. Attorney and Teacher coaches can ascertain the level of effort put forth in the homework, and the level of comprehension of the role of student attorney.
3. “Audition” several candidates over a few weeks in the student attorney roles. Be sure they understand that they are being considered based on their commitment to the assignments, their active participation during practices, their adeptness to the responsibilities, and any other criteria you feel appropriate.
4. When assignments are made, consider using those students who didn’t “get the part” as understudy or alternates, allowing the student to learn the roles in addition to their other assignments, if any.

#### **Other Preparation Strategies for Consideration:**

1. Observe, if possible, a real trial in county or district court.
2. Consider asking a speech or drama teacher to observe your team in action and offer suggestions for improving the students’ performances.
3. Practice the trial in full, including direct and cross-examinations, in front of your attorney coaches or another local attorney or judge who is willing to sit in and offer suggestions. Your team should have performed its entire case several times prior to the regional tournament in February.
4. Set up a scrimmage among your own team members, if there are enough students participating. Have one group perform the P/P’s side and the other group perform the defense. If you do not have enough students on your team, set up a scrimmage with another school, to give teams the full flavor of participating in a mock trial. Arrange for a local attorney or judge to preside, and, if at all possible, conduct the trial in a courtroom setting.